

<b>FACSIMILE TRANSMITTAL FORM</b>	Application Number	10/759497
	Filing Date	January 16, 2004
	First Named Inventor	Fukushi, Tatsuo
	Art Unit	1713
	Examiner Name	Henry S. Hu
Fax: 571-273-8300	Attorney Docket Number	59495US002
Total Number of Pages in This Submission: 3		
Date: January 12, 2006	Attorney for Applicant: Brian E. Szymanski	

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Patent  
Case No.: 59495US002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: FUKUSHI, TATSUO  
Application No.: 10/759497 Group Art Unit: 1713  
Filed: January 16, 2004 Examiner: HU, HENRY S  
Title: FLUOROELASTOMERS WITH IMPROVED LOW TEMPERATURE PROPERTY  
AND METHOD FOR MAKING THE SAME

REQUEST FOR RECONSIDERATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<p><b>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</b></p> <p>I hereby certify that this correspondence is being:</p> <p><input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.</p> <p>January 12, 2006 Date</p> <p> Signed by: Jamie A. Ebach</p>
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Dear Sir:

This communication is made in response to the Office Action dated November 23, 2005, which was made FINAL. This is the First Office Action following the Request for Continued Examination filed by the Applicants September 28, 2005 (Paper # 11). The RCE (Paper #11) was filed, presenting amended claims, in response to the Advisory Action dated September 15, 2005 (Paper #10), in which the Examiner refused to enter the Amendments After Final.

According to the MPEP § 706.07(b), it is NOT PROPER "to make final a first Office action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search".

The Examiner in fact did refused entry of the proposed amendments because they assertedly raised "new issues that would require further consideration and/or search". See Paper #10, Advisory Action, form PTOL-303 (Rev. 7-05), line 3(a).

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Accordingly, the Applicants respectfully submit that this final rejection is premature and hereby request that the rejection be withdrawn (as per MPEP § 706.07(d)).

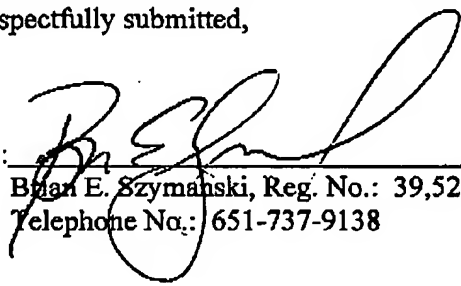
Timely response to this request for reconsideration is respectfully requested.

Respectfully submitted,

January 12, 2006

Date

By:

  
Brian E. Szymanski, Reg. No.: 39,523  
Telephone No.: 651-737-9138

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
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